

Tuesday, 9 o'clock, a. m.

March 7th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names :

Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Wallace and Williams.

Quorum present.

Mr. Clark, chairman of the committee on the Judiciary, made the following report :

A majority of the committee on the Judiciary have had under consideration "An act to amend an act, supplementary to an act, to detect fraudulent land certificates, passed at the fifth Congress of the Republic of Texas," and thinking the bill injudicious as well as unnecessary, have instructed me to report the same back to the Senate, and recommend that it be laid upon the table.

At a session of a majority of the Judiciary committee, the following bills were considered and ordered to be returned to the Senate, without amendments, and recommended for passage, viz :

A bill to be entitled an act to amend the forty-third section of "An act punishing crimes and misdemeanors," approved December 21st, 1836;

"An act to regulate proceedings in case of forcible entry and detainer ;"

A bill to be entitled an act to establish the method of trying the right of property levied on under writs of execution, sequestration and attachment, when the same is claimed by a person who is not a party to such suit ; and,

A bill to be entitled an act better defining the marital rights of parties.

Mr. Clark, chairman of the committee on Education, to whom was referred a bill to be entitled an act to incorporate Cass Academy, returned the same to the Senate, and recommended its passage.



Mr. Williams, chairman of the committee on Internal Improvements, to whom was referred a bill to be entitled an act to incorporate the Galveston Steam Ferry, Freight and Tow-boat Company, returned the same back to the Senate, and recommend its passage.

Mr. Williams also made the following report:

The committee on Internal Improvements, to which was referred a bill to be entitled an act for enclosing cotton gins, have considered the same, and instructed me to report the same back to the Senate, with amendments, and recommend its passage.

Amendments—

Sec. 1, second line, insert "cotton" before "gin."

Sec. 2d. Strike out "by the party aggrieved" and insert "and recovered in the name of any citizen in the vicinity of such cotton gin, whose stock has been damaged by reason of such neglect."

Mr. Williams, chairman of the committee on Apportionment, Privileges and Elections, to which was referred a bill to be entitled an act to provide for the organization of new counties, reported the same back to the Senate, and recommended its passage.

Mr. Parker, chairman of the committee on Claims and Accounts, to whom was referred a "Joint Resolution for the relief of J. Harris Catlin," reported a substitute for the same, and recommended its adoption and passage.

Mr. Gage, chairman of the committee on Counties and County Boundaries, to whom were referred "A bill to be entitled an act to define the boundaries of the county of Austin, and a bill to be entitled an act to define the boundaries of Travis county," returned the same to the Senate, and recommended its passage.

Mr. Perkins, chairman of the committee on Engrossed Bills, reported "A bill to be entitled an act for the relief of James P. Wallace and Robert M. Williamson," correctly engrossed.



Mr. Jewett, chairman of the committee on Indian Affairs, made the following report:

The committee on Indian Affairs, to whom was referred "An act to provide for revising the statute laws of this State," have had the same under consideration, and report that they have given the bill that consideration which its importance demands.

The committee are of opinion that the bill passed by the Senate of this session, relative to a digest of the laws, contains the most practicable and useful plan which can be adopted in the present complicated condition of our statutory enactments. A simple digest of the laws now in force will afford the means and basis for a future correct revision and general legislative amendments of the statutes. The committee therefore deem it inexpedient to recommend the bill to the Senate for passage.

Presuming that an appropriate report is expected from the committee in relation to the bill, they beg leave to state, that they do not perceive any favorable influence that the Bill, if passed, could exercise upon our Indian relations. To translate the bill, if it should become a law, into the various Indian tongues, and disseminate it among the several tribes in the shape of a "Big Talk," would cause an unnecessary and useless expenditure of the public money.

The committee, therefore, most respectfully recommend to the majority of the Senate, which insisted on the reference of the bill to the committee on Indian Affairs, that they can only suggest as the most appropriate report that the bill for the present be laid upon the table, and at the earliest day practicable, be deposited in any timber, prairie or water course above the temporary line of posts heretofore recommended by the committee, viz: from the point where the hundredth degree of west longitude crosses Red river, to the junction of the Rio Puerco and Rio Bravo del Norte.

All of which is respectfully submitted,

HENRY J. JEWETT, Chairman.

Mr. Abbott, chairman of the committee on Enrolled Bills, reported the following bills and joint resolutions correctly enrolled, viz.:

An act to locate the county seat of Cass county;

An act to establish the University of Eastern Texas;



Joint resolution for the relief of the Texas volunteers called into the service of the country in the year 1846; and,

Joint resolution to authorize and require the Secretary of State to cause all of the unbound enrolled acts and joint resolutions of the late Republic of Texas, and of the first Legislature of the State of Texas, to be substantially bound for preservation in his office;" and that said acts and joint resolutions were transmitted to the Governor for his approval, on the 6th inst.

Mr. Dancy, made the following report:

The committee of Conference, to which was referred two amendments, made by the Senate, to a bill originating in the House, to be entitled "an act to regulate the Public Printing," have conferred freely upon the same, and after due deliberation have agreed as follows:

In the first amendment to insert "fifteen" instead of "ten;" and they have also agreed to adopt the eleventh amendment made by the Senate, and respectfully ask the concurrence of the two Houses.

JON W. DANCY,

Chairman, on the part of the Senate.

W. H. BOURLAND,

Chairman on the part of the House.

Which report was adopted.

A message was received from the House of Representatives, informing the Senate that the House had adopted a resolution of the Senate, setting forth the claims of the citizens for remuneration for injuries done their property during the war, &c., with an amendment:

Also, that the House had concurred in the amendment of the Senate to a bill to be entitled an act to establish the Galveston and Red River Railway Company;

Also, that the House had adopted the report of the committee of Conference on the bill to regulate the Public Printing;

Also, that the House had passed a bill to be entitled an act for the relief of Moses Evans, surviving administrator of H. S. Williamson, deceased, which originated in the Senate;

And the following bills, originating in the House, viz.:

A bill to be entitled an act to regulate the times of holding Courts in the Fourth Judicial District;



A bill to be entitled an act for the relief of Michael Short ;

A bill to be entitled an act to provide for the more certain collection of the Taxes for the years 1846 and 1847 ;

A bill to be entitled an act prescribing the mode of establishing the liabilities of drawers and endorsers of Bills of Exchange and Promissory Notes ;

A bill to be entitled an act fixing the punishment for cutting down, carrying away or destroying trees or timber, upon any land, without the consent of the owner ;

A bill to be entitled an act authorizing the Galveston City Company to change the plan of a certain block of lots in the city of Galveston, and authorizing the city and county authorities to use one of the public squares of said city for city and county buildings ;

A bill to be entitled an act to change the northern boundary line of Limestone county ;

A bill to be entitled an act for the relief of Horace L. Upshur ;

A bill to be entitled an act creating the county of Cooke, in honor of William G. Cooke ;

A bill to be entitled an act, supplementary to an act, entitled an act, to restore lands sold for taxes and bid in by the Government to the former owners, approved April 27th, 1846.

A bill to be entitled an act to incorporate Cherokee Academy in the town of Rusk, in the county of Cherokee.

A bill to be entitled an act to change the name of Ralph William Peacock, to John Bowen.

A bill to be entitled an act to require sheriffs, clerks of the District Courts and clerks of the County Courts to keep their officers at the county seats of their respective counties, and a bill to be entitled an act regulating estrays.

The Senate proceeded to the orders of the day :

Mr. Grimes offered the following as a substitute for the resolution of the House, relative to going into the election of a public printer.

“Resolved, That with the concurrence of the House of Representatives, the two Houses will proceed to elect some person to print the laws and journals of the present session of the Legislature, and the Journals of the first session of the Legisla-



ture of the State of Texas, on this day at 3 o'clock, P. M., March 7th, 1848."

Adopted.

A bill to be entitled an act regulating sequestrations.

Read third time and passed.

A bill to be entitled an act to amend an act entitled an act to regulate proceedings in the District Courts, approved 13th May, A. D. 1846, was read.

Mr. Wallace moved to amend the first section, by adding at the end thereof—"provided, however, that such rule, if not applied for prior to the term of the Court at which said suit should be had, shall not operate as a continuance of the suit, or as a stay of the proceedings therein."

Adopted.

Mr. Wallace moved to amend the second section, by adding to the end thereof, "from and after the rendition of final judgment in the causes in which rules for security for costs had been granted."

Adopted.

Mr. Perkins offered the following as an additional section :

"Be it further enacted, that when any attachment shall hereafter be sued out, after suit has been instituted in any District Court, the defendant in the attachment shall be privileged to put in issue, by denying the intent to abscond or conceal himself to avoid the service of the original process, which if not proven by the plaintiff, judgment shall not be taken out against the defendant on such attachment—upon the adoption of which, the yeas and nays were called, and stood as follows :

Yeas—Messrs. Brashear, Cuny, Fitzgerald, Perkins and Williams—5.

Nays—Messrs. Abbott, Bourland, Clark, Dancy, Gage, Grimes, Jewett, McRae, Navarro, Parker and Wallace—11.

So the amendment was rejected.

A message was received from the House of Representatives, informing the Senate that the House had adopted the substitute of the Senate for the resolution of the House, relative to going into the election of public printer.

A bill to be entitled an act to regulate proceedings in the County Court, pertaining to estates of deceased persons, toge-

ther with the report of the committee on the Judiciary offering amendments, was read and report adopted.

Mr. Dancy moved to amend by striking out the 45th section.

Rejected.

On motion of Mr. Abbott, the 48th section was stricken out.

The bill then passed to a third reading.

A bill to be entitled an act organizing county courts.

Read third time and passed.

The Senate concurred in the amendment of the House to a resolution adopted by the Senate, appointing a joint committee to draft a memorial to the Congress of the United States, setting forth the claims of the citizens of Texas, for remuneration for injuries done their property, during the war between Texas and Mexico, &c.

Messrs. Burleson, Cuny and Bourland were appointed a committee of conference, on a resolution requiring the committees on Contingent Expenses, of both Houses, to employ some suitable person to take charge of the Capitol, furniture, &c., during the recess of the Legislature.

On motion of Mr. Bourland, the substitute of the House, by way of amendment to the Senate's bill, to allow Judges of the Supreme Court discretion in the order of trying causes, was taken up, read and concurred in.

A bill to be entitled an act for the relief of Isaac Delany.

Read third time and passed.

A bill to be entitled an act for the relief of James P. Wallace and Robert M. Williamson.

Read third time and passed.

Joint resolution, appropriating one hundred dollars for the purpose of procuring a map of Shelby county.

Read first time.

Mr. Wallace moved a suspension of the rule.

Lost.

A bill to be entitled an act to incorporate the city of Nacogdoches.

Read first time.

On motion of Mr. Parker, the rule was suspended, bill read second time and passed to a third reading.



A bill to be entitled an act for the regulation of pilots at the mouth of the Brazos river.

Read first time.

On motion of Mr. Williamson, the rule was suspended, bill read second time, and referred to the committee on Internal Improvements.

Mr. Williams, by leave, introduced a bill to be entitled an act for the relief of Abraham Skidmore.

Read first time.

On motion of Mr. Williams, the rule was suspended, bill read 2d time and referred to the committee on Private Land Claims.

Mr. Bourland, by leave, introduced a bill to be entitled an act, requiring the Attorney General to attend to certain causes in the District Courts, and providing compensation for the extra services required.

Read first time.

On motion of Mr. Bourland the rule was suspended, bill read second time and referred to the committee on Finance.

A bill to be entitled an act to establish the county seat of the county of Cameron.

Read first time.

A bill to be entitled an act to incorporate the Western Texas Orphan Asylum.

Read first time.

On motion of Mr. Williamson, the rule was suspended, bill read second time, and referred to the committee on State Affairs.

Mr. Perkins, chairman of the committee on Engrossed Bills, reported as correctly engrossed, joint resolution on the Proviso, Slavery, the Tariff and the war with Mexico.

On motion of Mr. Bourland, the Senate adjourned until half past 2 o'clock, P. M.



2½ o'clock, p. m.

Senate met—roll called—quorum present.

Mr. Wallace, chairman of a select committee, made the following report:

The select committee, to whom was referred "a bill to be entitled an act to authorize and require Judges of the the District Courts to hold special sessions thereof, for the trial of persons charged with the commission of crimes, the punishment for which is death," having duly considered the same, have instructed me to recommend the following amendments and the passage of the bill, as the jails of the county are generally insecure, and the expense of the counties enormous in preventing the escape of persons, by employing night guards for their safe keeping in said jails.

In third line of the caption, after "persons" insert "after indictment found."

In section 1, after "person," in second line, insert "after indictment found."

In section 2d, strike out the words "grand and," with the preceding amendments, said committee believe the bill would be a source of relief to the counties in which capital crimes are perpetrated, they therefore concur in the opinion expressed above.

On motion of Mr. Williamson, a committee was appointed to inform the House of Representatives, that the Senate decline going into the election of public printer, on to-day.

Messrs. Williamson and Dancy were appointed said committee.

Joint resolution for the relief of Lewis Thuner.

Read first time.

A bill to be entitled an act to regulate the times of holding courts in the fourth Judicial District.

Read first time.

On motion of Mr. Fitzgerald the rule was suspended, bill read second time, and referred to the special committee raised on times of holding courts.

On motion of Mr. Abbott, the vote concurring in the amendment of the House to a bill to be entitled an act allowing dis-



cretion to the Judges of the Supreme Court, in the order of trying causes, was reconsidered.

On motion of Mr. Jewett, the blank in the 4th section of said bill was filled with "thirtieth."

The bill then passed.

A bill to be entitled an act to provide for the more certain collection of the Taxes for the year 1846 and 1847.

Read first time.

A bill to be entitled an act to require Sheriffs, Clerks of the District Courts and Clerks of the County Courts to keep their offices at the county seats of their respective counties.

Read first time.

A bill to be entitled an act fixing the punishment for cutting down, carrying away or destroying trees or timber upon any land, without the consent of the owner.

Read first time.

On motion of Mr. Burleson,

The rule was suspended, and

Bill read second time, and on motion of Mr. Abbott, referred to the committee on State Affairs.

A bill to be entitled an act prescribing the mode of establishing the liabilities of drawers and endorsers of bills of exchange and promissory notes.

Read first time.

On motion of Mr. Brashear, the rule was suspended,

Bill read second time, and referred to the committee on State Affairs.

A message was received from the House of Representatives informing the Senate that the House had concurred in the amendment of the Senate to a bill to be entitled an act to amend sections 10, 11, 13 and 22 of an act to organize the Supreme Court of the State, approved 12th May, 1846.

A bill to be entitled an act regulating Estrays.

Read first time.

On motion of Mr. Williamson, the rule was suspended,

Bill read second time, and

On motion of Mr. Jewett, referred to the committee on State Affairs.

Mr. Dancy, by leave, introduced a bill to be entitled an act for the relief of James Hunly.



Read first time.

Joint resolution authorizing the Commissioner of the General Land Office to issue a patent to Edward Hall.

Read first time.

A bill to be entitled an act to give to each corporate county in this State, its own County Surveyor, map and records.

Read first time.

Mr. Gage moved to suspend the rule.

Lost.

A bill to be entitled an act to amend the 17th section of "an act to establish and incorporate the Marshall University," approved 18th January, 1842.

Read first time.

On motion of Mr. Williamson, the rule was suspended.

Bill read second time, and referred to the committee on Education.

A bill to be entitled an act supplementary to an act entitled an act to restore lands sold for Taxes and bid in by the government, to the former owners, approved April 27th, 1846.

Read first time.

On motion of Mr. Williamson, the rule was suspended.

Bill read second time, and referred to the committee on Finance.

A bill to be entitled an act supplementary to an act to provide for the enumeration of the inhabitants of the State of Texas, approved April 11th, 1846.

Read second time, and

On motion of Mr. Williamson, referred to the committee on Apportionment, Privileges and Elections.

A bill to be entitled an act to secure to the Colonists of Fisher & Miller's Colony, the lands to which they may be entitled.

Read first time.

On motion of Mr. Jewett, the rule was suspended.

Bill read second time, and referred to the committee on Private Land Claims.

A bill to be entitled an act authorizing the Galveston City Company to change the plan of a certain block of lots in the city of Galveston, and authorizing the city and county authorities to use one of the public squares of said city for city and county buildings.

Read first time, and

On motion of Mr. Williamson, the rule was suspended.



Bill read second time, and referred to the committee on Internal Improvements.

A bill to be entitled an act to change the northern boundary line of Limestone county.

Read first time.

On motion of Mr. Jewett, the rule was suspended.

Bill read second time, and referred to the committee on Counties and County Boundaries.

A bill to be entitled an act to incorporate Cherokee Academy, in the town of Rusk, in the county of Cherokee.

Read first time, and

On motion of Mr. Parker, the rule was suspended.

Bill read second time, and referred to the committee on Education.

A bill to be entitled an act to change the name of Ralph William Peacock to John Bowen.

Read first time, and

On motion of Mr. Perkins, the rule was suspended.

Bill read second time, and referred to the committee on State Affairs.

A bill to be entitled an act creating the county of Cooke, in honor of Wm. G. Cooke.

Read first time, and

On motion of Mr. Williamson, the rule was suspended.

Read second time, and referred to the committee on Counties and County Boundaries.

A bill to be entitled an act for the relief of H. L. Upshur.

Read first time, and

On motion of Mr. Gage, the rule was suspended.

Read second time: and referred to the committee on Finance.

A bill to be entitled an act for the relief of Michael Short.

Read first time, and

On motion of Mr. Burleson, the rule was suspended.

Read second time, and referred to the committee on Public Lands.

Joint resolution for the relief of Henry M. Smith.

Read first time, and

On motion of Mr. Gage, the rule was suspended.

Read second time, and referred to the committee on Private Land Claims.

On motion of Mr. Dancy,



A bill to be entitled an act to incorporate the Colorado and Brazos Rail Road Company, was taken up and read, and

On motion of Mr. Perkins, laid upon the table until to-morrow.

A bill to be entitled an act to repeal the second and fourth sections of an act requiring the Commisniener of the General Land Office to issue patents upon unconditional headright certificates for land, approved May 12th, 1846.

Read second time, and

On motion of Mr. Jewett, referred to the committee on the Judiciary.

A bill to be entitled an act for the relief of Alfred Brigance.

Read second time, and

On motion of Mr. Grimes, referred to the committee on Private Land Claims.

Joint resolution for the relief of the heirs or legal representatives of R. G. Hall, deceased.

Read second time, and

On motion of Mr. Burleson, referred to the committee on Public Lands.

Joint resolution for the relief of Theodore D. Maltby, who was disabled for life in the service of the country.

Read second time, and

On motion of Mr. Gage, referred to the committee on Private Land Claims.

A bill to be entitled an act for the benefit of persons who settled in W. S. Peters' and his associates' colony.

Read second time, and

On motion of Mr. Williamson, referred to the committee on State Affairs.

A bill to be entitled an act to establish the 11th Judicial District for the State of Texas.

Read second time.

Mr. Clark moved to amend by inserting "at the town of Santa Fe," after the word "sessions," in 2d line of 2d section.

Adopted.

The bill was then ordered to be engrossed.

A bill to be entitled an act to create and organize the county of Santa Fe.

Read second time, and ordered to be engrossed.

A bill to be entitled an act to direct the Secretary of State to



strike out certain words, out of the acts and joint resolutions passed at the present session of the Legislature.

Read second time, and

On motion of Mr. Gage, referred to the committee on the Judiciary.

A bill to be entitled an act regulating marks and brands.

Read second time, and

On motion of Mr. Gage, referred to the committee on State Affairs.

On motion of Mr. Parker, the Senate adjourned.

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Wednesday, 9 o'clock, A. M.  
March 8th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Wallace, Williams, and Williamson.

Quorum present.

The Journal of the preceding day was read and adopted.

A message was received from the House of Representatives, informing the Senate, that the House had passed the following bills, which originated in the Senate, viz:

A bill to be entitled an act for the relief of James Stewart.

A bill to be entitled an act to legalize the marriage of Eli Gray, and Ann Eliza Gray.

A bill to be entitled an act for the relief of Kisiah Taylor, whose maiden name was Kisiah Cryer.

A bill to be entitled an act authorizing and requiring the